

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;"><i>(to be used for all correspondence after initial filing)</i></p>		Application Number	09/777,566
		Filing Date	February 5, 2001
		First Named Inventor	Jay M. SHORT
		Art Unit	1652
		Examiner Name	Delia M. Ramirez, Ph.D.
Total Number of Pages in This Submission	9	Attorney Docket Number	564462001812

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (1 Pg.)  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Notification of Loss of Entitlement to Small Entity Status (3 Pgs.) Copy of Notification of Loss of Entitlement to Small Entity Status (3 Pgs.) Issue Fee Transmittal (1 Pg.)
<div style="border: 1px solid black; padding: 5px;">         Remarks           Customer Number 45975       </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP		
Signature	/Gregory P. Einhorn/		
Printed name	Gregory P. Einhorn		
Date	May 10, 2007	Reg. No.	38,440

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<p style="margin: 0;">X Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2007</h3>		<p style="margin: 0;"><b>Complete if Known</b></p>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/777,566
		Filing Date	February 5, 2001
		First Named Inventor	Jay M. SHORT
		Examiner Name	Delia M. Ramirez, Ph.D.
		Art Unit	1652
TOTAL AMOUNT OF PAYMENT		(\$)	9,906.00
		Attorney Docket No.	564462001802

**METHOD OF PAYMENT** (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account    Deposit Account Number: <u>03-1952</u> Deposit Account Name: <u>Morrison &amp; Foerster LLP</u>				
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)				
<input checked="" type="checkbox"/> Charge fee(s) indicated below		<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee		
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17		<input checked="" type="checkbox"/> Credit any overpayments		

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____ - 20 = _____	x _____	= _____	

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____ - 3 = _____	x _____	= _____	

HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims**

<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____	_____

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

Large Entity deficiency fee payments from inception of filing CFR 1.28(c); See attached copy of Notice of Loss of Entitlement to Small Entity Status

**Fees Paid (\$)**

\$9,906.00

**SUBMITTED BY**

Signature	/Gregory P. Einhorn/	Registration No (Attorney/Agent)	38,440	Telephone	(858) 720-5133
Name (Print/Type)	Gregory P. Einhorn			Date	May 10, 2007

# COPY

Docket No.: 564462001802  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Jay M. SHORT

Application No.: 09/777,566

Filed: February 5, 2001

For: PHYTASE EXPRESSION SYSTEMS AND  
METHODS OF MAKING AND USING THEM  
(AS AMENDED)

Confirmation No.: 4776

Art Unit: 1652

Examiner: Delia M. Ramirez, Ph.D.

### **NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER 37 CFR § 1.28(c)**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Assignee, Diversa Corporation, hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity and the claim for small entity status filed by Applicant is hereby withdrawn.

Following is a chart showing the fees as paid and the deficiency owed, and Applicant encloses herewith Fee Transmittal SB/17 in payment of the additional fees due.

Type of Fee	Fees Paid	Large Entity Fee	Deficiency Owed
Supplemental IDS	\$180.00	\$180.00	.00
3rd RCE	\$395.00	\$790.00	\$395.00
2 Month Extension	\$225.00	\$450.00	\$225.00
Notice of Appeal	\$250.00	\$500.00	\$250.00

Add'l. Independent Claims	\$900.00	\$1,800.00	\$900.00
IDS	\$180.00	\$180.00	.00
One Month Extension	\$60.00	\$120.00	\$60.00
2nd RCE	\$395.00	\$790.00	\$395.00
Add'l. Claim Fees	\$50.00	\$100.00	\$50.00
Statutory Disclaimer	\$65.00	\$130.00	\$65.00
Independent Claims	\$220.00	\$1000.00	\$780.00
Excess Claims	\$387.00	\$2150.00	\$1763.00
Two Month Extension	\$215.00	\$450.00	\$235.00
Supplemental IDS	\$180.00	\$180.00	.00
Add'l. Independent Claims	\$516.00	\$2400.00	\$1884.00
Excess Claims	\$108.00	\$600.00	\$492.00
RCE	\$395.00	\$790.00	\$395.00
Multiple Dependant Claims	\$145.00	\$360.00	\$215.00
Add'l. Independent Claims	\$129.00	\$600.00	\$471.00
Excess Claims	\$144.00	\$800.00	\$656.00
Ext. of Time (2 mos.)	\$210.00	\$450.00	\$240.00
Basic Filing Fee	\$355.00	\$790.00	\$435.00
<b>Total Fees Due:</b>			9,906.00

Please charge **Deposit Account No. 03-1952** in the amount of \$9,906.00, referencing docket no. 564462001802

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no.564462001802.

Dated: May 10, 2007

Respectfully submitted,

By\_/Gregory P. Einhorn/\_\_\_\_\_  
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